

REMARKS

Claims 1, 2, 4-6, 8-12 and 14-17 are pending. By this Response claims 3, 7, 13 and 18 are cancelled. Reconsideration and allowance based upon the above amendments and following remarks are respectfully requested.

In the Official action dated September 23, 2003, the Examiner maintained the rejection of claims 1, 2, 8-12 and 15-17 under 35 USC 102(b) as being anticipated by Dugger. The Examiner however indicated that claims 3-7, 13, 14 and 18 would be allowable if rewritten to overcome the Examiner's rejection under 35 USC 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

In the Official action dated June 23, 2003, the Examiner also maintained the rejection of claims 1-18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 7, the phraseology "said cover member being formed to the shape of the duct" is not readily understood. The Examiner questions whether applicant intended "the shape" to mean "cross-sectional shape". The Examiner indicates similar problems with claims 10 and 15.

As indicated above, independent claims 1, 10 and 15 have been amended to include the limitations of the dependent claims indicated as being allowable. It is submitted that the claims as amended are distinguishable over Dugger and in condition for allowance.

In response to the Examiner's rejection under 35 U.S.C. §112, second paragraph, the language of claims 1, 10 and 15 has been amended to improve their readability. In particular, claims 1 and 10, as amended, specify the outer surface of the duct and the cover member conforming to the shape of the "outer surface" of the duct. Dependent claims 8 and 12 further define the outer surface as comprising a plurality of side-walls which define a cross-sectional shape for the duct. Independent claim 15, as amended, specifies "cross-sectional shape" for the duct. It is submitted that the claims as amended are definite and in compliance with 35 U.S.C. §112, second paragraph.

In view of the foregoing, applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the subject application is respectfully requested.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$55.00 is attached hereto.

Appl. No. 09/874,327

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, #29,680

MKM/^{cap}CJB:cb
2339-0111P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)